

2005 Senate Bill 478

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 391

AN ACT *to repeal* 61.187 (2) (b); and *to amend* 13.48 (10) (a), 13.48 (29), 16.855 (1), 16.855 (2) (intro.), 16.855 (14) (a), 16.855 (16) (b) 2., 16.855 (22), 16.87 (3), 20.924 (1) (intro.), 61.187 (2) (a) and 61.187 (2) (c) of the statutes; **relating to:** approval of state building projects and contracts and use of bidding procedures on such contracts and the allocation of village assets and liabilities upon dissolution.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.48 (10) (a) of the statutes is amended to read:

13.48 (10) (a) No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of ~~\$100,000~~, \$150,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 2. 13.48 (29) of the statutes is amended to read:

13.48 (29) **SMALL PROJECTS.** Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project ~~the estimated construction cost of which does not exceed \$100,000 that does not require prior approval of the building commission under sub. (10) (a).~~

SECTION 3. 16.855 (1) of the statutes is amended to read:

16.855 (1) The department shall let by contract to the lowest qualified responsible bidder all construction work when the estimated construction cost of the project exceeds ~~\$30,000~~ \$40,000, except for construction work authorized under s. 16.858 and except as provided in sub. (10m) or s. 13.48 (19). If a bidder is not a Wisconsin firm and the department determines that the state, foreign nation or subdivision thereof in which the bidder is domiciled grants a preference to bidders domiciled in that state, nation or subdivision in making governmental purchases, the department shall give a preference over that bidder to Wisconsin firms, if any, when awarding the contract, in the absence of compelling reasons to the contrary. The department may enter into agreements with states, foreign nations and subdivisions thereof for the purpose of implementing this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4. 16.855 (2) (intro.) of the statutes is amended to read:

16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the estimated construction cost of a project exceeds \$30,000 \$40,000, or if less and in the best interest of the state, the department shall:

SECTION 5. 16.855 (14) (a) of the statutes is amended to read:

16.855 (14) (a) ~~If the estimated construction cost of a project exceeds \$100,000 requires prior approval of the building commission under s. 13.48 (10) (a) and bids are required to be solicited under sub. (2), the department shall take both single bids and separate bids on any division of the work that it designates. If the estimated construction cost of a project does not exceed \$100,000 require prior approval of the building commission under s. 13.48 (10) (a) and bids are required to be solicited under sub. (2), the department may take single bids or separate bids on any division of the work that it designates. If the department awards contracts by the division of work, the department shall award the contracts according to the division of work selected for bidding. Except as provided in sub. (10m) (a), the department shall award all contracts to the lowest qualified responsible bidder or bidders that result in the lowest total construction cost for the project.~~

SECTION 6. 16.855 (16) (b) 2. of the statutes is amended to read:

16.855 (16) (b) 2. In emergency situations, the governor may approve repairs and construction of a building, structure, or facility in lieu of building commission approval under s. 13.48 (10), and for such purposes, may authorize the expenditure of up to \$250,000 \$500,000 from the state building trust fund or from other available moneys appropriated to an agency derived from any revenue source. The governor may delegate to the secretary the authority to grant approvals under this subdivision. The governor shall report any such authorization to the building commission at its next regular meeting following the authorization. In this subdivision, "emergency" means any natural or human-caused situation that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property.

SECTION 7. 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except sub. (10m), do not apply to construction work for any project ~~the estimated construction cost of which does not exceed \$100,000 that does not require the prior approval of the building commission under s. 13.48 (10) (a)~~ if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project is at least \$30,000 \$40,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall

provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

SECTION 8. 16.87 (3) of the statutes is amended to read:

16.87 (3) Except as provided in sub. (4), a contract under sub. (2) is not valid or effectual for any purpose until it is endorsed in writing and approved by the secretary or the secretary's designated assistant and, if the contract involves an expenditure over \$60,000, approved by the governor. The governor may delegate the authority to approve any contract requiring his or her approval under this subsection that involves an expenditure of less than \$150,000 to the secretary or the secretary's designee. Except as provided in sub. (4), no payment or compensation for work done under any contract involving \$2,500 or more, except a highway contract, may be made unless the written claim is audited and approved by the secretary or the secretary's designee. Any change order to a contract requiring approval under this subsection requires the prior approval by the secretary or the secretary's designated assistant and, if the change order involves an expenditure over \$60,000, the approval of the governor or, if the governor delegates his or her authority to approve contracts under this subsection and the change order involves an expenditure of less than \$150,000, the approval of the secretary or the secretary's designee.

SECTION 9. 20.924 (1) (intro.) of the statutes is amended to read:

20.924 (1) (intro.) ~~In~~ Except as provided in sub. (3), in supervising and authorizing the implementation of the state building program under the appropriation authority of s. 20.867, the building commission:

SECTION 10. 61.187 (2) (a) of the statutes is amended to read:

61.187 (2) (a) ~~If Subject to par. (c),~~ if two-thirds of the ballots cast at the election under sub. (1) are in favor of dissolution, the village shall, at the expiration of 6 months from the date of the election, cease to be a village.

SECTION 11. 61.187 (2) (b) of the statutes is repealed.

SECTION 12. 61.187 (2) (c) of the statutes is amended to read:

61.187 (2) (c) The territory included within the village at the time of its dissolution shall revert to and become a part of the town or towns from which it was taken or in which it is then located, except that if the town or towns from which all of the village territory was taken is no longer in existence, the village may not dissolve. The assets and liabilities of the village shall be apportioned under s. 66.0235 and, in accordance with that section, all assets and liabilities of the village shall become the assets and liabilities of the town or towns to which the village territory reverts.

SECTION 13. Initial applicability.

(1) DISSOLUTION OF VILLAGES. The treatment of section 66.187 (2) (a), (b), and (c) of the statutes first applies

to an election for the dissolution of a village that is held
on the effective date of this subsection.
